

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office APR 26 1999

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 01 1995 under 61007

The applicant **THOMAS E. SMIGEL AND BARBARA W. SMIGEL, JTWROS**, hereby make application for permission to change the **MANNER OF USE** of water heretofore appropriated under **APPLICATION NO. 61007**

1. The source of water is **HIKO SPRING SE¼, SE¼, SECTION 12, T.32S., R.65E.**
2. The amount of water to be changed **0.25 SECOND FEET TO A DUTY OF 100 AC FT/YR**
3. The water to be used for **MINING/MILLING**
4. The water heretofore permitted for **IRRIGATION**
5. The water is to be diverted at the following point **ON UNSURVEYED LAND IN SE¼ SE¼, SEC. 12, T.32S., R.65E., MT. DBL. & M. AT A POINT 6,519' S., 88° 35' E. FROM STATE ROUTE MARKER CCL049H.**
6. The existing permitted point of diversion is located within **(NO CHANGE)**
7. Proposed place of use **SE¼ SW¼; SW¼ SE¼; SE¼ SE¼; SECTION 12, T.32S., R.65E., AND IN SW¼ SW¼; SECTION 7 T.32S., R.66E., M.D.B.&M. (NO CHANGE)**
8. Existing place of use **(SAME AS ITEM 7)**
9. Use will be from **JANUARY 1 to DECEMBER 31** of each year.
10. Use was permitted from **JANUARY 1 to DECEMBER 31** of each year.
11. Description of proposed works **STEEL OR CONCRETE COLLECTION BOX AND 2,500' OF 6" AND SMALLER PIPE**
12. Estimated cost of works **\$50,000**
13. Estimated time required to construct works **3 YEARS**
14. Estimated time required to complete the application of water to beneficial use **3 YEARS**

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15. Remarks: USE THE ORIGINAL MAP OF APPLICATION 61007. THE MANNER OF USE IS THE ONLY CHANGE. THE WATER WILL BE USED FOR A MINING AND MILLING OPERATION AS ACS MILL SITE AND ACS MINING CLAIM WHICH LIE IN THE ORIGINAL PLACE OF USE. THE OPERATION WILL CONSIST MAINLY OF A LAPADARY PROCESSING BUSINESS WHICH POLISHES AND FACETS GEM STONES AND MINERAL SPECIMENS. THE ANNUAL CONSUMPTIVE USE WILL NOT EXCEED 100 ACRE FEET OF WATER.

By Thomas E. Smigel Barbara W. Smigel
s/Thomas E. Smigel Barbara W. Smigel
149 So. 9th St.
Las Vegas, Nv. 89104

Compared my/emf

Protested _____

DENIAL OF STATE ENGINEER

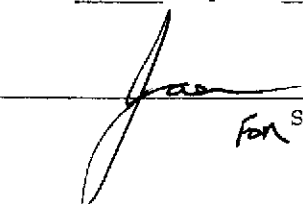
This application is hereby denied on the grounds there is no water available under the water right requested for change; therefore, its approval would threaten to prove detrimental to the public interest.

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 31st day of August, A.D. 2009

 P.E.
for State Engineer